

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554**

In the Matter of	)	
	)	
Advanced Television Systems	)	MM Docket No. 87-268
and Their Impact Upon the	)	
Existing Television Broadcast	)	
Service	)	

RECEIVED  
JUL 18 1997  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

To: The Commission

**OPPOSITION TO PETITION FOR RECONSIDERATION  
FILED BY MONTGOMERY COMMUNICATIONS, INC.**

By its attorneys and pursuant to Section 1.429(f) of the Commission's rules, Clear Channel Television Licenses, Inc. ("Clear Channel"), licensee of television station KAAS-TV, Salina, Kansas, hereby opposes the June 13, 1997 petition filed by Montgomery Communications, Inc. ("Montgomery"), the licensee of low power television ("LPTV") station K17CK, Emporia, Kansas for reconsideration of the *Sixth Report and Order* in the above referenced proceeding.<sup>1</sup> Specifically, Clear Channel opposes Montgomery's request that KAAS' paired channel for digital television ("DTV") service be changed.

Clear Channel currently operates KAAS on analog Channel 18 and has been allotted DTV Channel 17. This allotment will require K17CK either to cease operation altogether or to change its channel frequency, as K17CK's continued use of Channel 17 would impermissibly interfere with the digital operation of KAAS. As support for its petition, Montgomery claims

---

<sup>1</sup> *Sixth Report and Order*, MM Docket No. 87-268, FCC 97-115 (released April 21, 1997).

0211  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

that displacing K17CK will result in the loss of “valuable programming” to Emporia. The Commission, however, has stated its position very clearly: secondary stations are not to be accorded the same status or level of interference protection given to full-power stations during the DTV transition. Thus, in the *Fifth Report and Order* in the above captioned proceeding, the Commission stated, “[w]e previously determined that there is insufficient spectrum to include LPTV stations and translators, *which are secondary under our rules and policies*, to be initially eligible for a DTV channel” and “in order to provide DTV allotments for existing full service stations, it will be necessary to displace LPTV stations and TV translator stations to some degree.”<sup>2</sup>

Recognizing that many LPTV stations must be displaced to facilitate the orderly transition to digital television, the Commission has adopted a number of measures to minimize the impact on secondary stations. For example, LPTV stations are permitted to continue operations until a displacing DTV station is operational.<sup>3</sup> An LPTV station may also apply for a suitable replacement channel without being subject to competing applications.<sup>4</sup> In addition, the Commission has issued a number of technical rule changes to provide LPTV stations with additional operating flexibility.<sup>5</sup>

---

<sup>2</sup> *Fifth Report and Order*, MM Docket No. 87-268, FCC 97-116 (released April 21, 1997) at 18 (emphasis added).

<sup>3</sup> *Sixth Report and Order*, MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) at 142.

<sup>4</sup> *Id.* at 144.

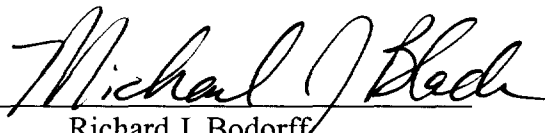
<sup>5</sup> *Id.* at 145.

Given the clarity of the Commission's position that LPTV and TV translator stations are secondary to full-power stations and the Commission's efforts to minimize the DTV transition's impact on LPTV stations, there is no reason to change KAAS' DTV channel at this time. Consequently, Clear Channel respectfully submits that station K17CK should avail itself of the applicable displacement minimization measures that the Commission has made available to it.

For the foregoing reasons, Clear Channel respectfully requests that the Commission deny Montgomery's petition and retain KAAS' DTV allotment of Channel 17.

Respectfully submitted,

**CLEAR CHANNEL TELEVISION  
LICENSES, INC.**

By:   
Richard J. Bodorff  
John M. Burgett  
Michael J. Blade

Its Attorneys

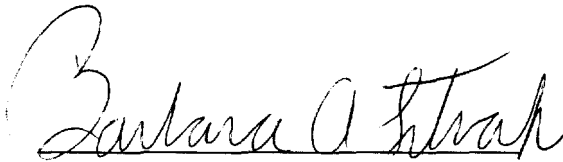
**WILEY, REIN & FIELDING**  
1776 K Street, N.W.  
Washington, D. C. 20006  
(202) 429-7000

July 18, 1997

**CERTIFICATE OF SERVICE**

I, Barbara A. Litvak, hereby certify that the forgoing Opposition to Petition for Reconsideration filed by Montgomery Communications, Inc. has been sent, by first class mail, postage prepaid, on this 17<sup>th</sup> day of July, 1997, to the following party:

Peter Tannenwald  
Elizabeth A. Sims  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Avenue, N.W.  
Suite 200  
Washington, D. C. 20036-3101

A handwritten signature in cursive script, reading "Barbara A. Litvak", written over a horizontal line.

Barbara A. Litvak